

JOSEPH H. HUNT  
Assistant Attorney General

DAVID L. ANDERSON  
United States Attorney

MARCIA BERMAN  
Assistant Branch Director

KAREN S. BLOOM  
Senior Counsel  
R. CHARLIE MERRITT  
Trial Attorney  
Civil Division, Federal Programs Branch  
U.S. Department of Justice  
919 East Main Street  
Richmond, VA 23219  
Phone: (202) 616-9098  
Fax: (804) 819-7417  
E-mail: robert.c.merritt@usdoj.gov

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

HOUSING AND ECONOMIC RIGHTS  
ADVOCATES,

Plaintiff,

v.

BETSY DEVOS, in her official capacity as  
Secretary of Education, et al.,

Defendants.

Case No. 18-cv-06854-JSC

**JOINT STATUS REPORT**

1 On February 4, 2019, this Court entered an Order holding in abeyance all case deadlines  
 2 and requiring the parties to file a joint status report by no later than March 8, 2019. ECF No. 16.  
 3 Pursuant to that Order, the parties, by counsel, hereby submit for the Court's consideration the  
 4 following Joint Status Report.

5 Plaintiff filed this action on November 13, 2018, seeking an order requiring Defendants  
 6 to implement the "Automatic Provision" of a Department of Education ("Department")  
 7 regulation. *See* Complaint ¶¶ 1, 40; Requested Relief, ECF No. 1. Pursuant to that provision,  
 8 the Department must automatically discharge – without submission of an application – a  
 9 borrower's federal student loans if the Department determines, in certain circumstances, that the  
 10 borrower did not complete his or her program of study because the borrower's school closed.  
 11 *See* 34 C.F.R. §§ 685.214(c); 682.402(d)(8)(ii); 674.33(g)(ii). One month later, on December 13,  
 12 2018, the Department issued an Electronic Announcement regarding implementation of this  
 13 automatic closed school discharge provision. *See* Federal Student Aid, Closed School Discharge  
 14 Changes, *available at*  
 15 <https://ifap.ed.gov/eannouncements/121318ClosedSchoolDischargeChanges.html> (Dec. 13,  
 16 2018). The Department announced that it had already identified approximately 15,000 such  
 17 borrowers and was working to identify additional eligible borrowers. *Id.*

18 The parties have conferred on multiple occasions to discuss the effect of the  
 19 Department's action on Plaintiff's claims and the prospect of resolving this case without further  
 20 litigation. The parties believe they are close to reaching a resolution and accordingly  
 21 respectfully request that the Court continue to hold all case deadlines in abeyance while they  
 22 continue these discussions. The parties propose filing another joint status report by no later than  
 23 April 8, 2019, if the case has not already been dismissed by that time.

24  
 25 Dated: March 8, 2019

Respectfully submitted,

26 JOSEPH H. HUNT  
 27 Assistant Attorney General

28 MARCIA BERMAN

Assistant Branch Director

/s/ R. Charlie Merritt

KAREN S. BLOOM

Senior Counsel

R. CHARLIE MERRITT (VA # 89400)

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

919 East Main Street, Suite 1900

Richmond, VA 23219

Tel: (202) 616-8098

Fax: (804) 819-7417

Email: robert.c.merritt@usdoj.gov

*Counsel for Defendants*

Dated: March 8, 2019

Respectfully submitted,

/s/ Alexander S. Elson

JULIA CAMPINS (Cal. Bar No. 238023)

Campins Benham-Baker, P.C.

935 Moraga Road, Suite 200

Lafayette, CA 94549

(415) 373-5333

julia@campinsbenhambaker.com

ALEXANDER S. ELSON (appearance *pro hac vice*)

ROBYN K. BITNER (appearance *pro hac vice*)

National Student Legal Defense Network

1015 15th Street N.W., Suite 600

Washington, D.C. 20005

alex@nsldn.org

robyn@nsldn.org

(202) 734-7495

*Counsel for Plaintiff*